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REISSUE APPLICATION DECLARATION BY THE ASSIGNEE

Docket Number (Optional)

11899.0175.REUS07

I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I am authorized to act on behalf of the following company: Monsanto Technology LLC
and the title of my position with said company is: Intellectual Property Counsel

The entire title to the patent identified below is vested in said company.

Name of Patentee(s):

Gerard F. Barry, Ganesh M. Kishore, Stephen R. Padgett and William C. Stallings

Patent Number

U.S. Patent No. 5,633,435

Date Patent Issued

May 27, 1997

Title of Invention

Glyphosate-Tolerant 5-Enolpyruvylshikimate-3-Phosphate Synthases

I believe said patentee(s) to be the original, first and sole inventor of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled

Glyphosate-Tolerant 5-Enolpyruvylshikimate-3-Phosphate Synthases
the specification of which

is attached hereto.
 was filed on July 18, 2003 as reissue application number 10/622,201
and was amended on March 2, April 25, and July 6, 2005.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below.

by reason of a defective specification or drawing.
 by reason of the patentee claiming more or less than he had the right to claim in the patent.
 by reason of other errors.

At least one error upon which reissue is based is described as follows:

U.S. Patent No. 5,633,435 included claims that grouped together subject matter first disclosed in different parent applications and, therefore, having different effective filing dates. For example, issued claim 7 grouped together SEQ ID NOS. 2, 4, 6, 41 and 43. SEQ ID NOS. 2, 4 and 6 were disclosed in the earliest parent application Serial No. 07/576,537, filed August 31, 1990, whereas SEQ ID NOS. 41 and 43 were first disclosed in parent application Serial No. 08/306,063, filed September 13, 1994. In order to correct this error, claims were amended so that SEQ ID NOS. 2, 4 and 6 were claimed separately from SEQ ID NOS. 41 and 43, thus ensuring that each SEQ ID NO. obtains the benefit of its earliest effective filing date.

Although identification of only one error is required, claims in this reissue application are also amended to correct the classification of certain sequences as DNA sequences, and not amino acid sequences.

All errors corrected in this reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the applicant.

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(REISSUE APPLICATION DECLARATION BY THE ASSIGNEE, page 2)

Docket Number (Optional)
11899.0175.REUS07

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

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